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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,619	04/11/2001	Tonis Kasvand	8673-118 (8061-603 SJP:kl)	1853
22150	7590	09/27/2005	EXAMINER	
F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797			CHANG, SUNRAY	
			ART UNIT	PAPER NUMBER
			2121	
DATE MAILED: 09/27/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/832,619

Applicant(s)

KASVAND ET AL.

Examiner

Sunray Chang

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in responsive to the paper filed on July 19th, 2005.

Claims 1 – 5 are presented for examination.

Claims 1 – 5 are rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1, 3, and 4 are rejected** under 35 U.S.C. 102(e) as being anticipated by Peter A. Hansen (U.S. Patent No. 6,493,755, and referred to as **Hansen** hereinafter).

Regarding independent claims 1, 3 and 4,

Hansen teaches,

- A network administration system [network management system, Abstract]
- Automatically [automatically] activating and deactivating [trigger] dynamic rule sets [notification action] in response to receipt of error logs [event log] from network devices and applications [network devices]. [Col. 5, Line 27 – Col. 6, Line 23]
- A user interface for manually [administrator] activating and deactivating [requested] rule sets [set of conditions] having defined rule set criteria [Col. 5, Line 66 – Col. 6, Line 3] and for associating rule set activation keys with said rule sets [triggering of the notification rule, Col.

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6, Lines 5 – 10] wherein said activation keys associate changes in status of said dynamic rule sets [satisfies the predetermined conditions, Col. 6, Lines 11 – 14]; [Col. 5, Line 27 – Col. 6, Line 23] and

- Program means [application] for receiving said error logs [alarm or error stored in an event log, Col. 5, Lines 50 – 57] and for each of said rule sets [set of conditions] in connection with which activation keys [performed] have been associated [when ... satisfies] and whose criteria have been satisfied [satisfies the predetermined conditions] by said error logs [event log], reading said activation keys and one of either automatically activating or automatically deactivating said dynamic rule sets in accordance with said associated changes in status so as to cause the status of other rule sets to change [notification action will be performed when the set of event conditions representing the present state of the monitored device satisfies the predetermined conditions defined by the notification rule for that device]. [Col. 5, Line 27 – Col. 6, Line 23]

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. **Claims 2 and 5 are rejected** under 35 U.S.C. 103(a) as being unpatentable over **Hansen**, and in view of Andrew B. Hopper et al. (U.S. Patent No. 5,367,609, and referred to as Hopper hereinafter).

(**Hansen** as set forth above generally discloses the basic inventions.)

Regarding Claims 2 and 5,

Hansen teaches

- Retrieving and comparing logs with rule sets [notification action will be performed when the set of event conditions representing the present state of the monitored device satisfies the predetermined conditions defined by the notification rule for that device, Col. 6, Lines 11 – 14]

Hansen does not teach implementing via pseudo-code.

Hopper teaches implemented via pseudo-code [Col. 44, Line 3 – 4] for the purpose of providing a resource.

It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of **Hansen** to include "implementing via pseudo-code" for the purpose of providing a resource.

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Response to Amendment

Claim Rejections - 35 USC § 102

5. Applicants' arguments regarding former 102(e) rejections have been considered and withdrawn. New sets of 102(e) rejections have been cited in current office action after applicants' express abandonment.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunray Chang whose telephone number is (571) 272-3682. The examiner can normally be reached on M-F 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-746-3506.

Sunray Chang
Patent Examiner
Group Art Unit 2121
Technology Center 2100
U.S. Patent and Trademark Office

September 21, 2005


Anthony Knight
Supervisory Patent Examiner
Group 3600